

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES

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*

vs.

*

1:19-cr-00450-ELH-1

STEPHEN WAYNE CORMACK

*

Defendant

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*** **

**DEFENDANT'S MOTION TO CONTINUE SENTENCING HEARING
WITH GOVERNMENT'S CONSENT**

Now comes Stephen Cormack, Defendant, through his attorneys, Andrew I. Alperstein, Esquire, Joseph M. Pappafotis, Esquire, and Alperstein & Diener, P.A., and hereby moves this Honorable Court to continue sentencing currently scheduled for September 30, 2022 in the above captioned matter and states:

1. Mr. Cormack is scheduled to appear for sentencing in the above captioned matter on September 30, 2022.
2. While pending trial and sentencing, Mr. Cormack has been released on pre-trial supervision with electronic monitoring. He has remained fully compliant during his pre-trial release.
3. Historically, Mr. Cormack has suffered from a number of complicated and very serious health problems.
4. Earlier this year, Mr. Cormack was diagnosed with shingles which caused him significant pain and discomfort.
5. At that time, Mr. Cormack's treating physician, Daniel Collector, M.D., from University of Maryland's Medical System, indicated that Mr. Cormack's "physical status has deteriorated." In fact, the doctor explained that Mr. Cormack's condition was "tenuous."
6. Previously, the doctor explained that the pain medication worsened Mr. Cormack's cognitive impairment. The undersigned counsel advised This Honorable Court that counsel already had concerns about Mr. Cormack's competency at earlier stages of this case.

7. As such, Mr. Cormack appearing in court for the previous sentencing hearing appeared impractical and contrary to his then medical condition.

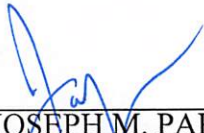
8. The treating doctor also had opined that Mr. Cormack's overall health issues would cause him to not likely survive more than a couple of weeks in a prison.

9. Since the time of the previously postponed sentencing hearing, Mr. Cormack's medical situation has continued to decline. As his doctor noted in his recent letter, Mr. Cormack recently contracted Covid-19. The doctor notes that Mr. Cormack's health is in a general decline and his cognitive health has also declined. He is diagnosed with a weakened immune system as evidenced by recent blood testing. In fact, the blood work is noted to be below "safe levels" making him easily susceptible to any infection. Mr. Cormack also recently has had unexplained weight loss which leaves the doctor concerned about other "very serious illness." [See Exhibit A, Daniel Collector, M.D. letter, Dated September 20, 2022].


10. The undersigned counsel has shared this updated information with the Government. Based on the current state of Mr. Cormack's health, the Government does not oppose Mr. Cormack's request for continuance. The Government has suggested to the undersigned counsel that a four (4) month delay is appropriate so long as Mr. Cormack continues on his electronically monitored home detention release. The parties agree to review Mr. Cormack's health prior a future sentencing date to determine if Mr. Cormack's situation has improved.

WHEREFORE, Mr. Cormack respectfully requests that the sentencing hearing in the above-captioned matter be continued for approximately four (4) months.

Respectfully submitted,



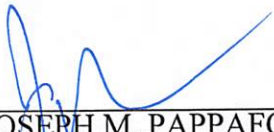
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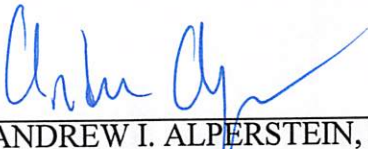
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of September, 2022, a copy of the foregoing Motion to Continue Sentencing Hearing was delivered via ECH to Adam Ake, Assistant United State's Attorney for the District of Maryland.



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